

RESOLUTION #2018-1 Fox Run Settlement Architectural and Aesthetic Control Committee
Plymouth Wisconsin

January 1, 2018

Gist: *to restore dues assessments to be in compliance with the covenants.*

Whereas, Section 5.2 of the Covenants for Fox Run Settlement states: "All costs related to the authority of the FRSAACC under paragraph 6 shall be assessed from time to time as deemed appropriate by the FRSAACC in equal amounts against each developed Lot and each undeveloped Lot in sections of the Property which have been opened for development"; and,

Whereas, Article II, Section 2.2 of the By-laws states: "...When any member is in default of the payment of dues for a period of three months from the period for which dues became payable, that member's voting rights shall be suspended"; and,

Whereas, the FRSAACC has the fiduciary duty to enforce the By-laws and Covenants in the best interest of all owners; and,

Whereas, the FRSAACC in past years has deviated from the Covenants without proper Amendment of such Covenant by allowing some Owners to pay less than equal amounts;

Therefore, let it be resolved, that Annual Dues be assessed in equal amounts against each developed Lot and each undeveloped Lot in sections of the Property which have been opened for development; and,

Further resolved, that existing Owners who currently have a discounted Dues arrangement, except for Lots 3, 4, and 6, be allowed to continue to have such discount until their Lot is sold or at such time new Covenants are adopted, at which time the Dues will be increased to be in line with Section 5.2 of the Covenants; and,

Further resolved, that Owners of Lots 3, 4, and 6, shall have annual Dues set at \$100 annually per platted Lot, or as proportionally adjusted for annual increases, during the term the June 1, 1989 Covenants as amended are in force; and,

Further resolved, that effective upon the adoption of this resolution, any Dues increases shall be applied equally to all Lots (except for Lots 3, 4, or 6 as which shall be addressed in the manner above), regardless of the amounts for which they have been allowed to pay in the past, and any Dues decreases shall be applied only to those paying full Dues until such time there is parity amongst Lot owners; and,

Finally resolved, that any Member who is in default in the payment of Dues for more than 30 days shall pay a minimum of \$50 penalty, and if in default more than 45 days, the FRSAACC shall take steps to protect the interests of all Owners by proceeding with notice and its legal rights under Wisconsin law; for the purpose of this provision, notice shall be deemed given when a Dues invoice has been delivered to the last known email address or physical address.

UNANIMOUSLY APPROVED BY THE FRSAACC EFFECTIVE JANUARY 1, 2018